

WILLIAM G. MILLER, STAFF DIRECTOR

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

March 12, 1975

The President
The White House
Washington, D. C.

Dear Mr. President:

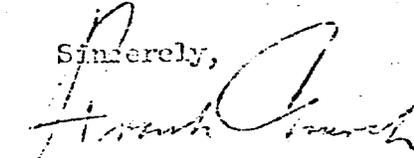
On behalf of the Senate Select Committee To Study Governmental Operations With Respect To Intelligence Activities, Senator Tower and I want to thank you for the opportunity we had on March 5 to discuss the work of the Committee. I want to express my personal appreciation for the direct and forthright manner in which you addressed some of the initial questions that lay before the Select Committee, and your willingness to assist the Committee to meet its responsibilities under the mandate of S. Res. 21.

We are in agreement that the work of the Committee should proceed as expeditiously as possible and the Committee is gratified at the full and complete cooperation that we have received from the Executive agencies up to this point. In every respect thus far, the agencies have been fully cooperative with the Committee and the staff and I believe this augurs well for a constructive and expeditious conclusion to our inquiry.

At our meeting on March 5th with you, we discussed the general areas in which the Committee would need initial documentation. As we discussed, our first requirements are to determine the legal basis for the activities for the intelligence agencies of the United States Government. In this regard, it will be helpful to the Committee to receive from whomever you may designate, the documents, files, and other papers that might be required to fully determine the legal basis for the activities of United States intelligence agencies. With the unanimous approval of the Committee, I respectfully request that the documents on the attached list directly relevant to the inquiry authorized by S. Res. 21, be supplied to the Committee at the earliest opportunity.

With kind regards,

Sincerely,



Frank Church

NSC Release Instructions on File

ATTACHMENT

1. The report furnished to the President by Director Colby in January 1977.
2. All Executive Orders, National Security Decision Memoranda (NSDMs) or Intelligence Directives (NSCIDs), and other White House* directives pertaining to the charter, structure or guidelines for any overt or covert foreign or domestic intelligence agencies or activities.
3. All Executive Orders, National Security Council memoranda and directives, and other White House instructions pertaining to the structure, functions or organization of intelligence policy organizations within the Office of the President, including the Forty Committee and the Washington Special Action Group (and their predecessor organizations, e.g., the Operations Coordinating Board, Special Group, 54/12 Group, 303 Committee, etc.).
4. Organization charts and staffing patterns (for the present and, to the extent reasonably convenient, back to 1947) for all intelligence-related organizations within the White House (NSC, Forty Committee, OEP, WSAG, etc.) including names of key officials and staff personnel.

* "White House" as used in this listing is meant to include the President, the Office of the President, including the Assistant to the President for National Security Affairs, the National Security Council and the Office of Management and Budget.

SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

Employee Notice and Agreement Concerning Treatment of
Confidential Material

NOTICE

Concern about security and the maintenance of confidentiality of information provided the Senate Select Committee has been stressed since the outset by the Senate and the Committee.

Section 7 of the resolution which established the Committee requires the Committee to:

"institute and carry out such rules and procedures as it may deem necessary to prevent the disclosure, outside the Select Committee of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the Select Committee during the course of its study and investigation, not authorized by the Select Committee to be disclosed; and (2) the disclosure, outside the Select Committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any department or agency of the Federal Government."

Pursuant to the Resolution, the Committee Rules include provisions relating to the confidential treatment of material received by the Committee. These provisions are contained in Rules 6.11; 7 (and each of its subsections), 9.3 and 9.4 which provide the following:

"6.11 Release of Testimony and Other Matters. No testimony taken or material presented at an Executive session shall be made public, in whole or in part or by way or summary, unless authorized by a majority vote of the Committee. Unless authorized by the Chairman the name of any witness scheduled to be heard by the Committee shall not be released prior to his testimony.

"RULE 7. Procedures for Handling Select Committee Classified or Sensitive Material

"7.1 Staff offices on the first floor of the Dirksen Office Building shall operate under strict security precautions. One guard shall be on duty at all times by the entrance to control entry. All persons, before entering the offices shall identify themselves. An additional guard shall be posted at night for surveillance of the secure area where sensitive documents are kept.

"7.2 Sensitive documents and other materials shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying or duplicating of such documents and other materials is prohibited except as is necessary for use in Committee meetings or to prepare for the taking of testimony or for interviews.

"7.3 Each member of the Committee shall at all times have access to all papers and things received from any source by subpoena or otherwise. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a record of all papers and things in the possession of the Committee, which log shall be available to any member of the Committee.

"7.4 Access to classified information supplied to the Committee shall be limited by the staff director, the chief counsel and the counsel to the minority, and to

those staff members with appropriate security clearances and a ~~minimum~~ need to know.

"7.5 Testimony taken in Executive session or papers and other materials received by the staff shall not be made public or disclosed to any person outside the Committee unless authorized by a majority vote of the Committee, or upon termination of the Committee, as determined by a vote of the Senate.

"7.6 Before the Committee is called upon to make any disposition with respect to the testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the inquiry staff. No member shall release any of that testimony or those papers or other materials to the public or any person outside the Committee unless authorized by a majority vote, a quorum being present at the time the vote is taken.

"9.3 The staff of the Committee shall not discuss either the substance or procedure of the work of the Committee with anyone other than a member of the Committee or other Committee personnel. Upon termination of employment by the Committee, each member of the staff, or consultant, shall surrender any classified material which came into his possession while in the employ of the Committee.

"9.4 The employment of any member of the staff who fails to conform to these Rules shall be immediately terminated."

In addition to the strict security precautions adopted by the Committee there are, as you no doubt know, sections of the United States Code and Executive Orders which relate to keeping certain material confidential--they are sections [To BE

which are annexed hereto. 1

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Office of the White House Press Secretary

THE WHITE HOUSE

AGREEMENT

I have read the foregoing employee notice concerning treatment of confidential material and have read the Resolution establishing the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, and the Committee Rules.

I understand that to qualify as an employee of the Select Committee, I am required to, and I hereby agree to, abide by those Rules. I further understand ~~that~~ and agree that the obligations hereby placed upon me continue after my employment with the Committee has terminated.

SIGNATURE

SWORN TO BEFORE NOTARY

THE WHITE HOUSE

NATIONAL SECURITY COUNCIL
DIRECTIVE GOVERNING THE CLASSIFICATION,
DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING
OF NATIONAL SECURITY INFORMATION

The President has directed that Executive Order 11652, "Classification and Declassification of National Security Information and Material," approved March 8, 1972 (37 F.R. 5209, March 10, 1972) be implemented in accordance with the following:

I - AUTHORITY TO CLASSIFY

A. Personal and Non-delegable. Classification authority may be exercised only by those officials who are designated by, or in writing pursuant to, Section 2 of Executive Order 11652 (hereinafter the "Order"). Such officials may classify information or material only at the level authorized or below. This authority vests only to the official designated under the Order, and may not be delegated.

B. Observance of Classification. Whenever information or material classified by an official designated under A above is incorporated in another document or other material by any person other than the classifier, the previously assigned security classification category shall be reflected thereon together with the identity of the classifier.

C. Identification of Classifier. The person at the highest level authorizing the classification must be identified on the face of the information or material classified, unless the identity of such person might disclose sensitive intelligence information. In the latter instance the Department shall establish some other record by which the classifier can readily be identified.

D. Record Requirement. Each Department listed in Section 2(A) of the Order shall maintain a listing by name of the officials who have been designated in writing to have Top Secret classification authority. Each Department listed in Section 2(A) and (B) of the Order shall also maintain separate listings by name of the persons designated in writing to have Secret Confidential authority. In cases where listing of the names of officials having classification authority might disclose sensitive intelligence information, the Department shall establish some other record by which such officials can readily be identified. The foregoing listings and records shall be compiled beginning July 1, 1972 and updated at least on a quarterly basis.

E. Resolution of Doubts. If the classifier has any substantial doubt as to which security classification category is appropriate, or as to whether the material should be classified at all, he should designate the most restrictive treatment.

An authorization for access shall be valid for the period required but no longer than two years from the date of issuance unless renewed under regulations of the originating Department.

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C. Access by Former Presidential Appointees. Persons who previously occupied policy making positions to which they were appointed by the President, other than those referred to in Section 11 of the Order, may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office. Upon the request of any such former official, such information and material as he may identify shall be reviewed for declassification in accordance with the provisions of Section 5 of the Order.

D. Consent of Originating Department to Dissemination by Recipient. Except as otherwise provided by Section 102 of the National Security Act of 1947, 61 Stat. 495, 50 U.S.C. 403, classified information or material originating in one Department shall not be disseminated outside any other Department to which it has been made available without the consent of the originating Department.

E. Dissemination of Sensitive Intelligence Information. Information or material bearing the notation "WARNING NOTICE - SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED" shall not be disseminated in any manner outside authorized channels without the permission of the originating Department and an assessment by the senior intelligence official in the disseminating Department as to the potential risk to the national security and to the intelligence sources and methods involved.

F. Restraint on Special Access Requirements. The establishment of special rules limiting access to, distribution and protection of classified information and material under Section 9 of the Order requires the specific prior approval of the head of a Department or his designee.

G. Accountability Procedures. Each Department shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified information or material. Particularly stringent controls shall be placed on information and material classified Top Secret.

(1) Top Secret Control Officers. Top Secret Control Officers shall be designated, as required, to receive, maintain current accountability records of, and dispatch Top Secret material.

(2) Physical Inventory. A physical inventory of all Top Secret material shall be made at least annually. As an exception, repositories storing large volumes of classified material, shall develop inventory lists or other finding aids.

(3) Current Accountability. Top Secret and Secret information and material shall be subject to such controls including current accountability records as the head of the Department may prescribe.

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